Separate Revenue.

File No: 33 of 1891

Serials 1—3.

Subject

Appeal of Subbaraya urs regarding payment of certain amount to him by the Abkari Contractors.

Findlay

Subbarao

(General Serial No. 32) ...tion

1891

No. 1997

Name of Petitioner. Soobray Das

Village. Impore

Taluk. Impore

District. Impore

Date of Arzi. 23d October

Date of Receipt. 24th November

Date of Disposal.

No. of Enclosures. 4

ABSTRACT.

Appeals against the order of the Deputy Commissioner of Impore Disbut. No 54 of 10th October 1891.

Order No 54 of 10th October 1891, to the Petitioner:—

You must apply with a copy of the decree, if any, of the last Deputy Commr ordering the amount to be paid to you, the Abkari Contractor on account of your village.

Submitted by Mr Chief Secy for Orders

21/1/92 Let me see the following with the

Order states that the Petitioner Chakrabudapadi as against the Petitioners in Civil Suit No 1 of 1891 on the file of the Deputy Commissioner's Court, Impore, has not complied with the order passed by the Deputy Commissioner on the 10th October 1891.

23/5/92

Current Records Putup Mesn 23/5/92

Submitted 23/5/92

File seen Rest

Draft D/L — to follow

Represent D/L

Annual return — Deputy Commr ordering the payment on the ground that the Abkari Contractor did not use the Abkari rights — Rejected the ground that all the cases in which the Deputy Commr ordered an adjustment — The D/L visited both the parties & report whether in this case Abkari rights

106 Endt issued 30/5

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1997
dated 23d October 91 received at the
Dewan's Office from Soobray Urs
residing in Nipone, appealing
against Dy Comm's order
requiring him to produce the
decree of the late Dy Comm
ordering payment of certain
amount to him by the Abkari
Contractor on account of his village
is forwarded, together with its 4
enclosures, to the Deputy Comm
Nipone Distt for perusal and
return.

2 The petitioner quotes to one of
those cases in which the Dy
Comm of the day refused to
award a payment on the
ground that the Govt Contract
did not issue the Inamdars
rights. Govt overruled the
ground & ordered an adhoc
payment in all such cases.
The Dy Comm will look to the
references and report whether the
case such payment has been
made by the Dy Comm.

By Order,

Draft
(illegible)
27/5

Chief Secretary.

BANGALORE,
30 May 1892

From the same Dist 29/5/92

diary no 3034
P 29

No 249. Mysore Deputy Commissioner's Office
Mysore dated 9th June 1892.

From
The Deputy Commissioner
Mysore District

To The Chief Secretary to the
Government of Mysore

Sir,

In returning enclosures received with Official Memo: No 106 dated 30th May 1892, I have the honor to state that the only Proceedings of Government on the point referred to therein, appears to be the one, No 1193 dated 26th March 1890, passed by Government on the appeal of certain Inamdars of whom the petitioner Subbaraje Urs is not one. In para 3 of the same the Government decided "that the contractor is bound "to pay Inamdars according to custom, "whether or not the contractor has chosen "to exercise the Inamdars toddy rights. "The Deputy Commissioner's awards based

upon

"upon the opposite view this require
"modification". No further proceedings appear
to have been taken by any of the
Deputy Commissioners in claims dis-
missed on that ground suo motu,
and it is doubtful if the Government
intended that they should do so.

In all civil cases, and the same
procedure is now generally applicable
to Revenue cases also, the party
interested has to file an application
for review or retrial, and the Court
or Office then issues notice to the
Counter petitioner and proceeds to en-
quire into the disputes between the
parties and to pass a final order.
In the present case, it will be ob-
served that the petitioner did not
file an application for retrial, and
does not even refer to the previous
claim and its dismissal on his

application

application. A General endorsement requiring the production of the decree or award authorizing payment of the claim was therefore issued.

It may also be mentioned that it is stated in the Office that notices similar to the one filed by Petitioner with his appeal petition to Government, were issued to all Inamdars, but that Mr. Nanjund Row remarked orally that they should have issued notices only to such as had obtained awards and directed other Inamdars to put in claims.

I have the honor to be,
Sir,
Your most Obed't Servant

Deputy Commissioner
Mysore District

MM

Mysore 3524 Cuddapah

27/10/91

To

4.

Received 10/12/91

7088/89
1947/89
Sent to Survey
Narrain Row
27/11/90

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D. No. 1997R
DATE 24-11-91

Two Rupees stamp affixed

The Dewan in Council of His Highness
The Maharajah of Mysore.

I the undersigned is the mortgagee and lessee of the Inam village Sagare in Heggadadevana Kotte Taluq and am as such entitled to the Abkary Revenue of the village. The Government contractors of the Abkary Bab were giving the Abkary amount to me up to 31st March 1887 and have stopped payment of dues that has accrued thereafter. Under Government proceedings in the matter of the Inamdar was liable to pay, but was not liable to be sued out in the Civil Court. I was therefore obliged to make application for payment to the Deputy Commissioner of Mysore - who by order herewith produced dated 21st March 1889 informed me that no

no amount should be paid to me as the contractor did not take toddy from the village. I was not to blame for the contractor not taking toddy and I could not take it myself. Against this order a petition was submitted to the Dewan, on which an order was sent to me informing me that the matter was pending enquiry This order is herewith produced and is dated 7th August 1889. Perhaps as a result of this enquiry, the Deputy Commissioner of Mysore, called on me by a notice herewith produced dated 31st July 1891 to receive the amount due to me according to account. Thereon, I produced my Dakalas with a petition and the Deputy Commissioner of Mysore has issued the endorsement herewith produced dated 10th October 1891 and No. 54, stating that I should produce the decree of the Deputy Commissioner

Commissioner awarding me the amounts
Under these circumstances I most respectfully beg to submit that I am very poor and have suffered much loss by the lease I have taken and have borrowed money and entered into agreement on the understanding that the Arrary amount of the village would be paid to me. I have also demanded the contractor to enter into an agreement to pay in proper time I beg therefore to pray Government that his very hard case may be taken into favorable consideration and an order be passed for payment to me of the amount which was being paid before 31st March 1887.

Mysore
23rd October
1891

35 1/2

Bangalore 31.7.41

Yours

W. H. Shuter.

Asst. Commissioner

No. 54

[illegible]

[illegible] Deputy Commissioner
Mysore District